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OFFICE OF PETITIONS

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| In re Application of | : |
| Toshiya Uemura | : |
| Application No. 09/900,980 | : DECISION GRANTING |
| Filed: July 10, 2001 | : PETITION |
| For: GROUP III NITRIDE COMPOUND SEMI- | : |
| CONDUCTOR LIGHT-EMITTING DEVICE | : |

This is a decision on the "Petition under 37 CFR §1.181" filed on July 8, 2002 and the request filed on April 19, 2002, which are being treated together as a request that the Office action mailed on March 8, 2002 be vacated, and that the above-identified application be reprocessed using the specification and drawings identified on the application transmittal letter.

The petition is granted.

On July 10, 2001, the application was filed with two sets of papers titled "GROUP III NITRIDE COMPOUND SEMICONDUCTOR LIGHT-EMITTING DEVICE". One set contained the application papers for this application and the other set contained a copy of an earlier filed application having the same title. The earlier filed application was cited on the accompanying Information Disclosure Statement (IDS).

The specification and drawings copied from the earlier application were mistaken at the Office as the specification and drawings for this identically titled application. As a result, the wrong set of identically titled papers were processed as the application papers for this application. In turn, the Office action mailed on March 8, 2002 was based on an examination of the wrong set of identically titled papers.

In view of the above, the Office action mailed on March 8, 2002 is hereby vacated.

Believing that the application papers for this application were not present in the application file, on June 18, 2002, petitioner submitted a duplicate set of application papers for this application. As the originally filed application papers for this application are, in fact, present in the application file, the originally filed application papers for this application will be used hereafter for examination purposes.

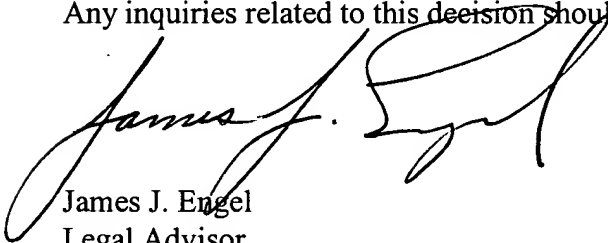
The papers mistakenly processed as the application papers for this application will remain in the application file for the examiner's consideration as the earlier filed application cited in the above-mentioned IDS.

The application is being forwarded to the Office of Initial Patent Examination for:

- (1) corrected processing with a filing date of July 10, 2001 using the set of application papers consisting of 21 pages of specification, 4 sheets of drawings and 1 page of abstract; and
- (2) an indication in the bibliographic data for this application that four (4) sheets of drawings containing Figures 1-5 were present on filing.

Thereafter the application will be forwarded to Technology Center Art Unit 2813 for examination in due course.

Any inquiries related to this decision should be directed to the undersigned at (703) 308-5106.

A handwritten signature in black ink, appearing to read "James J. Engel", is written over the printed name and title.

James J. Engel
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy